

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

DAMION BROMFIELD,

Plaintiff,

v.

STATE OF OREGON, PAUL AUBRY, and
JOSHUA SANDBURG,

Defendants.

No. CV 07-1321-ST

OPINION AND ORDER

MOSMAN, J.,

On December 18, 2007, Magistrate Judge Stewart issued Findings and Recommendation ("F&R") (#20) in the above-captioned case recommending that the State of Oregon's Motion to Dismiss (#7) be GRANTED. Judge Stewart also recommends that I issue an ORDER TO SHOW CAUSE, within 30 days, why this case should not be dismissed without prejudice to plaintiff's right to re-file should he invalidate his ICE detention and/or criminal conviction(s) in the future. No objections to the F&R have been filed (#21).

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge, but retains responsibility for making the final determination. The court is generally required to make a *de novo* determination of those portions of the report or specified findings or recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the

court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F&R depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any of the magistrate judge's F&R. 28 U.S.C. § 636(b)(1)(C).

Upon review, I agree with Judge Stewart's recommendation, and I ADOPT the F&R (#20) as my own opinion.

IT IS SO ORDERED.

DATED this 5th day of February, 2008.

/s/ Michael W. Mosman
MICHAEL W. MOSMAN
United States District Court